

## COMPLAINTS PROCEDURE

### Legal Status:

This policy incorporates the manner in which complaints are to be managed in accordance with Part 7 of Schedule 1 of the ISS Regulations. The elements of the regulatory requirements under Part 7 are set out in a table on page 30 of the ISI Handbook, September 2023 under 'Part 7' and paragraph 3.75 of The Statutory Framework for The Early Years Foundation Stage, September 2023.

### Complaints Procedure applies to:

- only parents of pupils registered and currently attending The Gower School
- the whole school including the Nursery/Early Years Foundation Stage (EYFS), out of school care - Breakfast Club, After School Club, Holiday Fun Club and all other activities provided by the school, inclusive of those outside of the normal school hours;
- all staff (teaching and support staff), students on placement, the proprietor and volunteers working in the school.

### Timescale

- The process of dealing with a complaint in writing from the moment that it is received by the school to resolution will take no more than 28 days of having received the complaint, except in circumstances in which the normal timescales are affected by issues that delay resolution; namely school holidays and other factors.
- Written records of complaints and their outcome will be kept and stored for a minimum of three years.
- The Gower school will investigate written complaints (including relating to their fulfilment of the EYFS requirements), and notify complainants of the outcome of the investigation within 28 days of having received the complaint
- The school will provide a written record of all complaints to Ofsted upon request.

### Availability

- The Complaints Procedure is provided in the information for prospective pupils, parents and guardians, when a parent makes an enquiry for admission to the school.
- This procedure is also made available to parents, staff and pupils via the school website: [www.thegowerschool.co.uk](http://www.thegowerschool.co.uk) It is also made available to parents or guardians of pupils on request to the school office, during the school day, or by e-mail: [info@thegowerschool.co.uk](mailto:info@thegowerschool.co.uk)

### Other Relevant Document for Employees:

- Staff Grievance Procedure and Staff Whistle Blowing Procedure

### Monitoring and Review:

- The Principal undertakes a formal annual review of the Complaints Procedure for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than November 2024, or earlier if changes in legislation, regulatory requirements or best practice guidelines so require.

Signed:

Handwritten signature of Emma Gowers in blue ink.

Miss Emma Gowers  
Principal and Proprietor

Date reviewed: November 2023

Date of next review: November 2024

## **Introduction**

The Gower School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the school with care and in accordance with this Complaints Procedure. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, The Gower School will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils. Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at The Gower School.

“Parent(s)” means the holder(s) of parental responsibility for a [current] [or prospective] pupil about whom the complaint relates.

## **What Constitutes a Complaint?**

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about The Gower School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by The Gower School is within the scope of this procedure. A complaint is likely to arise if a parent believes that The Gower School has done something wrong, failed to do something that it should have done or has acted unfairly.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. There may also be other circumstances in which The Gower School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.

The Gower School is here for your child and you can be assured that your child will not be penalised for a complaint that you [or your child] raise[s] in good faith.

## **The Three-Stage Complaints Procedure**

### **Stage 1 – Informal Resolution**

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint they should normally contact their child’s teacher in the first instance, but as a matter of course members of the Senior Leadership Team (SLT) must be informed and kept updated by the relevant member of staff receiving the complaint. If the teacher cannot resolve the matter alone it may be necessary for them to consult further with a member of SLT.
- Complaints made directly to the Principal will usually be referred back to the relevant member of staff unless the Principal considers it more appropriate to deal with the matter personally. Should this be the case, the aim will still be to resolve the matter informally. However, the involvement of the Principal at this stage will be in exceptional circumstances.
- The member of staff who is dealing with the matter will make a written record of all concerns and complaints and the date on which they were received. This should be emailed to the Principal on the same day. Should the matter not be resolved on an informal basis, in a face to face meeting, despite the teacher’s best efforts, within seven working days or in the event that the member of staff and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure.

### **Stage 2 – Formal Resolution**

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Principal. The Principal may in some circumstances deem it appropriate to nominate a staff

member to hear the complaint and manage the Stage 2 complaint process. The Principal (or their nominee) will decide, after considering the complaint, the appropriate course of action to take.

- In most cases, the Principal (or their nominee) will meet and/or speak to the parents concerned, within five working days of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage. It may be necessary for further investigations to be carried out. The Principal (or their nominee) will determine who should carry out any investigation and this may be someone external to The Gower School.
- Written records will be kept of all meetings and interviews held in relation to the complaint.
- Once the Principal (or their nominee) is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Principal (or their nominee) will also give reasons for their decision. In most cases, the Principal will make their decision and provide the parents with reasons within 10 working days of the complaint being put in writing.
- Should a parent or guardian have a complaint about the Principal, an approach should first be made to Independent Schools Association, ISA House, 5-7 Court, Great Chesterford, Saffron Walden CB10 1PF. This approach should include the nature of the complaint and how the school has handled it so far.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

### **Stage 3 – Panel Hearing**

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they should request a referral to a Complaints Panel by completing the form at the end of this document. It should be delivered by post or by email to the school office within five working days of receipt of the Principal's reply, provided under Stage 2. The school office will acknowledge receipt of the Stage 3 complaint and will schedule a hearing to take place as soon as practicable and normally within 20 working days of receiving the Stage 3 complaint.
- Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made in advance of the original deadline, setting out the further time period requested and the reason for this. This will be considered. In the event the parents are unable to provide their complaint within the time period stipulated (including to the extent applicable any extensions if agreed) The Gower School reserves the right to conclude the complaint process and not progress the matter to Stage 3.
- The Complaints Panel will be appointed by the Principal. The Panel will consist of three people not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. The Panel Chair, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 20 working days of receiving the Stage 2 complaint. One Panel member will act as Chair of the Panel **OR** the Complaints Panel will appoint one of the Panel members to act as the Chair of the Panel.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing or further investigation be carried out. Copies of such particulars shall be supplied to all parties not later than 3 working days prior to the hearing.
- The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. The Stage 2 decision-taker shall also be entitled to be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not be appropriate and the companion should not be a solicitor. The Panel will decide whether it would be helpful for witnesses to attend.
- If possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

- After due consideration of the merits of the complaint and all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:
  - dismiss the complaint(s) in whole or in part;
  - uphold the complaint(s) in whole or in part; and
  - make recommendations.
- The Panel will write to the parents informing them of its decision and the reasons for it, within 10 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Principal and the Stage 2 decision-taker. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the school premises by the Principal.

### **Child Protection**

For any complaint that involves a potential child protection issue, this must be reported immediately to the Principal (See our Safeguarding Policy for details of the procedure).

### **Timeframe for Dealing with Complaints**

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

It is in everyone's interest to resolve a complaint as speedily as possible: The Gower School's target is to complete the first two stages of the procedure within 20 working days. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working days.

Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term. This means that during school holidays it may take longer to resolve a complaint although The Gower School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to school life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and The Gower School will take all reasonable steps to limit any such delay.

### **Persistent correspondence**

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this will be regarded by The Gower School as vexatious and outside the scope of this procedure. Where a complainant seeks to raise a subsequent complaint matter which is otherwise different to the original complaint at Stage 3, this matter in itself would be treated as a new informal complaint.

### **Recording Complaints and use of personal data**

Following resolution of a complaint, The Gower School will keep a written record of all complaints, whether they are resolved at Stage 1 (informal stage), the formal stage (Stage 2) or proceed to a Panel hearing (Stage 3) and any action taken by The Gower School as a result of the complaint (regardless of whether the complaint is upheld).

We process data in accordance with our Privacy Notice. When dealing with complaints The Gower School (including any Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue

- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes/minutes of the hearing, and
- The Panel's written decision

The Gower School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with our Privacy Notice and Data Protection Policy. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector, there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g., in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about The Gower School's fulfilment of the EYFS requirements, then parents may take their complaint to the ISI or Ofsted. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

The Gower School will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice and Data Protection Policy

**Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:**

**Ofsted can be contacted on 0300 123 1231 or by email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)**

**Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD**

**ISI can be contacted on 020 7600 0100 or by email: [concerns@isi.net](mailto:concerns@isi.net)**

**[ISI, CAP House, 9-12 Long Lane, London EC1A 9HA](#)**

## Parental Complaints Form



<b>Parent Name:</b>	<b>Date of Complaint:</b>
<b>Pupil Name:</b>	<b>Class:</b>
<b>Parent Contact Details:</b>	
<b>Day:</b>	<b>Night:</b>

**Nature of Complaint:**

**Are you attaching any paperwork? (If so, please list below):**

**YES            NO**

**Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?**

**YES            NO**

**What would you like to happen as a result of making this complaint?**

**Signed:**

**Date:**